

REMARKS

Claims 1, 3-8, 10-14, 17, 18, 20 and 21 currently appear in this application. The Office Action of September 5, 2006, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Rejections under 35 U.S.C. 112

Claims 1, 3-6, 8, 10-13, 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims are said to contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner states that the application appears not to provide support for "a kilogram size."

This rejection is respectfully traversed. The claims have been amended to delete "a kilogram size." Further, the claims have been amended to recite that the frozen fish meat was first cut into flakes and then milled

into granules. Support for these amendment can be found at page 4, lines 16-25; page 10, lines 15-19; page 11, lines 9-5 from the bottom; and page 12, line 33 from the bottom to page 13, line 2. In Example 1, frozen ground meat was cut into flakes of about 20 mm and milled into granules of 7 mm in size. In Example 2, frozen ground meat was cut into chips and milled into granules of 5 mm in size. In Example 3, frozen ground meat was cut into chips and milled into granules of 5 mm in size. "The range of "5 to 5 mm" in claim 20 can be found in the specification in Examples 2 and 3 for 5 mm; Example 1 discloses 7 mm granules.

Claims 1, 3-6, 8, 10-13 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner questions whether "a kilogram size" refers to a single kilogram or whether it refers to a size which can be measured in kilograms.

This rejection is respectfully traversed. The claims have been amended to delete "a kilogram size."

Art Rejections

Claims 1, 3-6, 10-13, 17 and 18 are rejected under 35 U.S.C. 1093(a) as being unpatentable over CA 1213170A in view of Vitkovsky, US 4,687,672.

This rejection is respectfully traversed. Neither CA'170 nor Vitkovsky teaches or suggests that the process should be conducted in two steps, namely, cutting, and then milling. Both CA'170 and Vitkovsky disclose a single step process. The present inventors have found that a uniform particle size cannot be obtained by the single step process disclosed in the references. One skilled in the art would be motivated to use a two step process in place of the single step process in the cited references. There is nothing in either reference that teaches or suggest that a uniform particle size can be obtained by the herein claimed two step process.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA'170 in view of Vitkovsky and further in view of Katoh et al., US 4,950,494.

This rejection is respectfully traversed. Claim 7, and thus its dependent claim 14, has been amended to recite a two step process for producing ground fish meat from a frozen

mass of fish meat. While Katoh discloses using a in mixer to blend additives into the fish meat. However, none of these references discloses or suggests a two step process for obtaining granules of uniform particle size.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh et al. in view of CA'170, Vitkovsky and JP 06133739.

This rejection is respectfully traversed. Claim 8 has been amended to recite that the process is a two-step process including cutting the frozen fish meat mass and then milling the cut pieces into particles of uniform size, there is nothing in the cited references that even suggests such a two step process.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

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Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By:



Anne M. Kornbau
Registration No. 25,884

AMK:srd

Telephone No.: (202) 628-5197

Faxsimile No.: (202) 737-3528

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